

CAUSE NO. _____

JENNIFER MCCAFFETY BURROWS
Plaintiff,§
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§**IN THE DISTRICT COURT****V.**____ **JUDICIAL DISTRICT****WALGREEN CO. D/B/A WALGREENS**
Defendant.**HARRIS COUNTY, TEXAS****PLAINTIFF'S ORIGINAL PETITION****TO THE HONORABLE JUDGE OF SAID COURT:**

COMES NOW, Plaintiff, Jennifer McCaffety Burrows, and files this Original Petition, complaining of Defendant WALGREEN CO. D/B/A WALGREENS, (hereinafter referred to as "Defendant") for cause of action would respectfully show unto the Court the following:

I.
LEVEL

Discovery is intended to be conducted under Level 2 of Texas Rules of Civil Procedure 190.

II.
PARTIES

Plaintiff, Jennifer McCaffety Burrows, is a resident of Harris County, Texas.

Defendant, WALGREEN CO. D/B/A WALGREENS, is a company doing business in Harris County, Texas. Defendant may be served with process by serving its registered agent Prentice Hall Corporation System located at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

III.
VENUE

The subject matter in controversy is within the jurisdictional limits of this court.

Plaintiff seeks:

- a. Plaintiff asserts that monetary relief will not be more than \$73,000.00, including all damages.

IV. **FACTS**

This suit is brought under and by virtue of the laws of the State of Texas to recover those damages which Plaintiff is justly entitled to receive as compensation for injuries she sustained in an incident that happened on or about September 8, 2020. On that date, Plaintiff was at a Walgreens store located at 9705 Spencer Highway in La Porte, Texas. Plaintiff, an invitee, was on the mat next to the security rails when he slipped and fell. Plaintiff fell and violently struck the floor, falling on her tailbone and landing in a sitting position. A Walgreens employee came to Plaintiff's assistance and had to call EMS due to the severe pain Plaintiff was in and her inability to get up on her own.

The premises owned by Defendant was negligently maintained. On the date of the incident, the premises were under the custody and control of the Defendant that resulted in severe injuries. The Defendant failed to warn Plaintiff of the dangerous condition and failed to make the dangerous condition safe for Plaintiff prior to his fall.

V. **NEGLIGENCE**

The occurrence made the basis of this suit and the resulting injuries and damages were proximately caused by the negligence and/or negligence per se of the Defendant, for a variety of acts and omissions, including but not limited to one or more of the following:

1. In failing to properly maintain said premises in a reasonable manner;
2. In failing to properly maintain said premises in a safe manner;

3. In failing to exercise caution;
4. In failing to provide warning; and,
5. In maintaining said premises in a reckless and careless manner.

Each and all of the above acts and/or omissions constituted negligence and each and all were the proximate cause of the following made the basis of this suit and the injuries and damages suffered by the Plaintiff herein.

VI.
PREMISES LIABILITY-INVITEES

The occurrence made the basis of this suit and the resulting injuries and damages were caused by the Defendant's failure to properly maintain said premises in a safe manner. Plaintiff would show that:

1. The plaintiff was an invitee;
2. The defendant was a possessor of that premises;
3. A condition on the premises posed an unreasonable risk of harm;
4. The defendant knew or reasonably should have known of the danger;
5. The defendant breached its duty of ordinary care by both:
 - a. Failing to adequately warn the plaintiff of the condition, and
 - b. Failing to make the condition reasonably safe; and
6. The defendant's breach proximately caused the plaintiff's injuries.

VII.
DAMAGES

At the time of trial of this cause, Plaintiff shall ask the Court to submit the following elements of damage for consideration of damages in this case. These injuries and damages, which

are a direct, proximate and/or producing result of Defendant's conduct, are as follows: As a result of Defendant's negligence, Plaintiff sustained the following damages:

1. Physical pain and mental anguish, past and future;
2. Medical expenses, past and future;
3. Disfigurement, past and future;
4. Lost wages, past;
5. Physical impairment, past and future; and
6. Out of pocket expenses.

VIII.
JURY TRIAL

Plaintiff respectfully requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendant be cited to appear and answer and that upon final hearing, Plaintiff recover judgment against the Defendant for his damages as they may appear at trial hereof, together prejudgment and post-judgment interest, costs of court, and such other relief to which Plaintiff may be entitled.

Respectfully submitted,

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